

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHN D. OAKES AND GAYLE S. OAKES

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv1118-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY,
STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY, AND JOHN DOES 1-9

DEFENDANTS

ORDER

This Court entered an [26] Order for Mediation on April 13, 2007. The mediation in this cause of action is scheduled to take place at 1:00 p.m., May 31, 2007. Plaintiffs have filed a [34] Motion to Reset Mediation because one of their counsel is not available on that day due to a prior setting in state court. The mediation was scheduled when no response was made by counsel to an inquiry sent by the mediation administrator, the American Arbitration Association, via electronic mail with respect to scheduling the particular mediation in this cause of action. In addition to requesting that the mediation be set for another date, the motion also suggests that the "Court should in the interest of justice direct the American Arbitration Association to conduct its business through the United States Mail or in some other fashion chosen by the Court to in future avoid such problems, which waste Court and attorney time and resources."

It is perplexing that in this modern age, where e-mail addresses are routinely included on any attorney's contact information on a docket sheet, that complaint should be made about this method of communication. This Court has entered mediation orders in approximately 200 cases, with relatively few problems when it comes to scheduling. It would have been just as simple an exercise for counsel to pick up the phone and call the Court's attention to this particular conflict so that the Court's time and resources would not be wasted with the necessity of a formal motion and ruling thereon.

The Court has contacted the American Arbitration Association to request that it make alternative arrangements. However, in the event this cannot be accomplished, and since Plaintiffs are represented by more than one attorney, the mediation will take place as currently scheduled.

Accordingly, **IT IS ORDERED:**

Subject to the above comments, the [34] Motion to Reset Mediation is **DENIED** in all respects.

Failure in any regard to comply with the [26] Order for Mediation and any related matters

shall result in the imposition of sanctions.

SO ORDERED this the 15th day of May, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE